



MINUTES

NEW YORK STATE CANAL CORPORATION

BOARD MEETING NO. CC-161

May 20, 2009

Minutes of a meeting of the New York State Canal Corporation, held in the Board Room at Administrative Headquarters, 200 Southern Boulevard, Albany, New York 12209.

The meeting began at 11:50 a.m.

There were present:

**Chairman John L. Buono
E. Virgil Conway, Board Member
Frederick M. Howard, Board Member
Donna J. Luh, Board Member
Kevin J. Plunkett, Board Member
Brandon R. Sall, Board Member,**

Constituting a majority of the members of the Canal Corporation Board.

Ms. Crotty was not present at this meeting and did not vote on any of the Items.

In addition, there were present the following staff personnel:

**Michael R. Fleischer, Executive Director
Sharon O'Connor, General Counsel**

John Bryan, Chief Financial Officer
Jill Warner, Secretary and Board Administrator
Christopher Waite, Chief Engineer
Betsy Graham, Acting Director, Office of Public Affairs
Thomas Pericak, Division Director, Buffalo Division
William Rinaldi, Division Director, Albany Division
Richard Garrabrant, Division Director, Syracuse Division
Kevin Allen, Acting Director, Audit and Management Services
John Barr, Director, Administrative Services
Donald Bell, Director, Operations and Maintenance
Carmella Mantello, Director of Canal Corporation
Major Robert Meyers, Troop T
Wendy Allen, Deputy Chief of Staff
Michael Sikule, Director, Office of Investments and Asset Management
Katherine McCartney, Deputy Counsel
Richard Harris, Deputy Director, Office of Community Development & Land Management
Dorraine Steele, Director, Office of Fiscal Audit and Budget
Tony Kirby, Director, Office of Real Property Management
Harry Lennon, Senior Investigator, Audit and Management Services
Tracie Sandell, Assistant Counsel
Joanne Riddett, Director, Information Technology
Daniel Gilbert, Chief of Staff
Elizabeth Novak, Deputy Director, Bureau of Environmental Services
Also in attendance:
John Armstrong, Assistant Television Engineer, NYN
Virginia Wong, Esq., Partner, Nixon Peabody
Doron Bar-Levav, Esq., Partner, Harris Beach

Chairman Buono noted that he, Mr. Howard, Ms. Luh, Mr. Conway, Mr. Plunkett and Mr. Sall had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the Items.

Chairman Buono called the meeting to order.

Ms. Warner recorded the minutes as contained herein.

Public notice of the meeting had been given, Ms. Warner said.



Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. CC-160

On the motion of Mr. Howard, seconded by Mr. Conway, without any objections, the Board approved the minutes of Meeting No. CC-160 held on April 15, 2009 which were made available to the Board Members as part of the Agenda.

Item 2 by Ms. Mantello and Mr. Bryan (Appendix B)
Authorizing the Abandonment of Approximately 5.434 Acres of Canal Land in the City of Syracuse, County of Onondaga and Transfer of Jurisdiction over Such Lands by the New York State Office of General Services to the New York State Department of Transportation

Ms. Mantello stated that this Item would authorize the abandonment of approximately 5.434 acres of Canal land adjacent to the Syracuse Inner Harbor to allow the City of Syracuse to move forward, using Federal funds, on the construction of the trail.

After full discussion, on the motion of Mr. Plunkett, seconded by Ms. Luh, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 480

AUTHORIZING THE ABANDONMENT OF APPROXIMATELY 5.434 ACRES OF CANAL LAND LOCATED IN THE CITY OF SYRACUSE, COUNTY OF ONONDAGA AND TRANSFER OF JURISDICTION OVER SUCH LANDS BY THE NEW YORK STATE OFFICE OF GENERAL SERVICES TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

RESOLVED, that approximately 5.434 acres of Canal land located in the City of Syracuse, County of Onondaga, is no longer necessary or useful as part of the Barge Canal System, as an aid to navigation thereon, or for barge canal purposes, provided, however, that the transfer be conditioned to prohibit modification of the term in any manner that would obstruct the Canal Corporation's ability to access the UDS from the harbor with dredging equipment and the right to close the trail whenever deemed necessary for maintenance and dredging operations, and be it further



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RESOLVED, that following publication of the notice of abandonment for the Property as required by Section 51 of the Canal Law and transmittal of such notice to the CRC, the Office of Canal Maintenance and Operations shall prepare an Official Order abandoning the land for canal purposes, together with a map and description of such lands for review and execution by the Executive Director, provided, however, that if negative comments are received in response to the notice, no order shall be prepared until the Corporation Board has been informed and has determined whether a hearing is warranted, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute such order of abandonment, and be it further

RESOLVED, that the transfer or jurisdiction over such lands to DOT in accordance with all other terms of this agenda item be, and hereby is, authorized, and be it further

RESOLVED, that the Executive Director, or his designee be, and he hereby is, authorized to execute all documents to effectuate such transfer, and be it further

RESOLVED, that the Executive Director, the Director of Canals and the General Counsel be, and the same hereby are, authorized to take all actions to implement this Board item, and be it further

RESOLVED, that the transfer of jurisdiction over the subject Property must be completed in accordance with all applicable provisions of the Canal Real Property Management Policy, and be it further



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RESOLVED, that this resolution be incorporated in
the minutes of this meeting

Adjournment

There being no further business to come before the Board, on the motion of Howard, seconded by Mr. Plunkett, without any objections, the meeting was adjourned.

Jill B. Warner
Secretary

